

DOA

UNITED STATES DISTRICT COURT

02/21/2025

for the District of Arizona

United States of America)
 v.) Case No. 25-5111MJ
)
 Maximilian Weitershausen)
 United States)

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about February 21, 2025, in Pinal County, in the District of Arizona, Maximilian Weitershausen, knowing and in reckless disregard of the fact that certain aliens, namely Kevin Poblano-Velazquez had come to, entered, and remained in the United States in violation of law, did knowingly transport and move said aliens within the United States by means of transportation and otherwise, in furtherance of such violation of law.

In violation of Title 8, United States Code, Sections 1324(a)(1)(A)(ii) and (a)(1)(B)(ii), (Transportation of an Illegal Alien).

This criminal complaint is based on these facts:

See attached Statement of Probable Cause, incorporated by reference herein.

Continued on the attached sheet.

Reviewed by AUSA John Ballos for AUSA Megan Kelly

John Ballos
 Digitally signed
 by JOHN BALLO
 Date: 2025.02.22
 08:55:18 -07'00'

Sworn to before me and subscribed telephonically.

Date: February 22, 2025 at 10:32 a.m.

City and state: Phoenix, Arizona

ROBERT E LAWLER

 Digitally signed by ROBERT E
 LAWLER
 Date: 2025.02.22 09:05:47 -07'00'

Complainant's signature

Robert E. Lawler
 United States Border Patrol Agent

Printed name and title

Judge's signature

Honorable Deborah M. Fine, U.S. Magistrate Judge

Printed name and title

STATEMENT OF PROBABLE CAUSE

I, Robert E. Lawler, Border Patrol Agent of United States Border Patrol, being duly sworn, declare and state as follows:

INTRODUCTION AND BACKGROUND OF AFFIANT

1. I am a Border Patrol Agent (BPA) with the United States Border Patrol (USBP), United States Customs and Border Protection, currently assigned to the Casa Grande Border Patrol Station Prosecutions Unit. I have 16 years of experience as a BPA. I was trained at the Border Patrol Academy in Artesia, New Mexico, in 2008. I have served on multiple details as a BPA, including being a lead agent on several human smuggling related cases.

2. In preparing this Affidavit, I conferred with other law enforcement officials, who share the opinions and conclusions stated herein. I have personal knowledge of the following facts or have learned them from other law enforcement officers. I also relied on my training, experience, and background in law enforcement to evaluate this information. Since this Affidavit is being submitted for the limited purpose of establishing probable cause for a complaint, I have not included each and every fact or source of information establishing the violation of federal law.

PROBABLE CAUSE**The Initial Stop**

3. On February 21, 2025, at 4:36 PM, Department of Public Safety (DPS) Trooper Wheeler was traveling westbound on Interstate 10 (I-10) near mile marker 191 when he saw a gray Toyota Prius (the Prius), bearing Arizona license plate driving JBA23Z, driving in the number two lane. Trooper Wheeler observed the Prius cross over the lane divider into the number three lane and continue to drive over the lane divider for approximately 50-100 feet before returning to the center of the number two lane. Trooper Wheeler also observed that the Prius had an air freshener hanging from the rear-view mirror that could cause an obstructing view for the driver. Trooper Wheeler conducted a traffic stop with the Prius on I-10 westbound mile marker 189 for the multiple traffic violations,

A.R.S § 28-729.1 (Failure to drive in one lane; unsafe lane change) and A.R.S § 28-959.01B (Improper materials on windows and windshields).

4. Trooper Wheeler made contact with the driver of the Prius, later identified as Maximilian Weitershausen (WEITERSHAUSEN) and explained the reason for the traffic stop. Trooper Wheeler observed that there was one male passenger accompanying WEITERHAUSEN. Trooper Wheeler informed WEITERSHAUSEN that he would be issuing him with a written warning for the traffic violations and asked WEITERSHAUSEN to accompany him back to his patrol vehicle. While at Trooper Wheeler's patrol vehicle, he engaged in conversation with WEITERSHAUSEN. During the time of the traffic stop of the Prius, DPS Trooper Forsyth arrived on scene to provide assistance.

5. While at Trooper Wheeler's patrol vehicle, WEITERSHAUSEN stated that he was driving the male passenger, his friend "Jose", from Sierra Vista, Arizona. WEITERHAUSEN explained that he was going to be dropping off "Jose" but did not know the exact location. WEITERSHAUSEN further explained that "Jose" was going to provide him with the location of where he was going to be dropped off at when he gets there. DPS Trooper Forsyth questioned the male passenger who identified himself as Kevin and stated that driver of the Prius was his uncle.

6. While processing the warning for the traffic violations, Trooper Wheeler ran a records check on WEITERSHAUSEN. The records check returned with information that WEITERHAUSEN was currently on probation for alien smuggling. Trooper Wheeler asked WEITERHAUSEN why he rented a vehicle out of Phoenix, Arizona when he was currently living in Casa Grande, Arizona. WEITERHAUSEN stated that he like the fuel economy of the Prius. Trooper Wheeler than confronted WEITERHAUSEN and asked if he was smuggling the male passenger. WEITERHAUSEN admitted that he was smuggling the male passenger.

7. Based off the totality of the circumstances and Trooper Wheeler's knowledge and experience that the I-10 corridor is a high traffic area for alien smuggling, Trooper Wheeler contacted the USBP for further assistance.

Border Patrol Encounter

8. At approximately 5:00PM, BPA Peterson arrived on scene and was briefed by Trooper Wheeler of the situation. BPA Peterson conducted an immigration inspection on all occupants of the Prius. BPA Peterson determined that WEITERSHAUSEN was a United States Citizen. BPA Peterson also determined that the male passenger, later identified as Kevin Poblano-Velazquez, was a citizen of Mexico without any documentation that allowed him to enter, pass through or reside in the United States legally. All the occupants of the Prius were transported to the Casa Grande Border Patrol Station for further processing.

9. At the Casa Grande Border Patrol Station, all subjects had their fingerprints electronically recorded and submitted for electronic analysis to determine any previous criminal or immigration history. It was confirmed that WEITERSHAUSEN was a United States Citizen with prior criminal history for alien smuggling. It was also confirmed that Kevin Poblano-Velazquez was a citizen and national of Mexico without any documentation to enter, pass through or reside in the United States legally.

Miranda Interview

10. On February 21, 2025, at approximately 6:38 PM, BPAs Rodriguez and Hall conducted an interview with WEITERSHAUSEN. WEITERSHAUSEN was advised of his *Miranda* rights and at approximately 6:40 PM, signed a written form acknowledging that he understood his rights and was willing to give a statement without an attorney present.

11. WEITERSHAUSEN admitted to alien smuggling on February 21, 2025. WEITERSHAUSEN stated that was working for a man named “Casper” and that “Casper” was giving him instructions on where he was going to be picking up people to smuggle. WEITERSHAUSEN explained that he received a pin drop location from “Casper” through text message that was on the outskirts of Sierra Vista, Arizona, WEITERSHAUSEN further explained that at this location he picked up one person and proceeded to drive them north

to Phoenix, Arizona where he would be paid \$1,000.00 USD after dropping off the person he was smuggling.

12. Based on the facts and circumstances stated in this Affidavit, I submit there is probable cause to believe that the defendant, Maximilian Weitershausen, knowing or in reckless disregard of the fact that certain aliens, had come to, entered, or remained in the United States in violation of law, did knowingly transport or move said alien within the United States by means of transportation or otherwise, in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(ii) and (a)(1)(B)(ii).

ROBERT E LAWLER
Digitally signed by ROBERT E
LAWLER
Date: 2025.02.22 09:06:32 -07'0

Robert E. Lawler
Border Patrol Agent
United States Border Patrol

Sworn to before me and subscribed telephonically on this 22nd day of February 2025.
at 10:32 a.m.


HONORABLE Deborah M. Fine
United States Magistrate Judge